

## 21 C.J.S. Courts § 11

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### Courts

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### II. Jurisdiction of Courts

#### A. General Considerations

## § 11. Nature, necessity, and effect of courts' jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

### West's Key Number Digest

West's Key Number Digest, [Courts](#)  1

**Judicial power is divided among courts by grants of jurisdiction in the constitution and statutes determining the courts' power to render a judgment over that class of cases within which a particular one falls as a matter of the court's adjudicatory authority or competency.**

The judicial power of the State is divided among its courts by means of grants of jurisdiction in the constitution and statutes,<sup>1</sup> which is the authority by which a court obtains jurisdiction.<sup>2</sup> Jurisdiction is the ubiquitous procedural threshold through which all cases and controversies must pass prior to having their substance examined.<sup>3</sup>

The jurisdiction of a court concerns the power of the court to render a judgment over that class of cases within which a particular one falls,<sup>4</sup> the power or authority of a court to hear and determine cases or controversies in general,<sup>5</sup> to hear and determine issues of law and of fact,<sup>6</sup> and to adjudicate a particular case or controversy.<sup>7</sup> It refers to the court's adjudicatory authority<sup>8</sup> or competency.<sup>9</sup> The concept of jurisdiction is designed to insure the availability of the most practical and competent forum for the airing of a particular grievance.<sup>10</sup>

Jurisdiction encompasses: jurisdiction of the subject matter,<sup>11</sup> jurisdiction of the person,<sup>12</sup> jurisdiction of the res or property,<sup>13</sup> and, by the rule applicable in some courts, jurisdiction to render the particular judgment in the particular case.<sup>14</sup> Without jurisdiction, the court is without authority<sup>15</sup> and is not competent to render a particular judgment in a particular case.<sup>16</sup> A judgment entered without jurisdiction is generally void and without force and effect.<sup>17</sup>

Jurisdiction includes the court's power to determine whether it has jurisdiction.<sup>18</sup>

A court's jurisdiction may be general or it may be special or limited.<sup>19</sup>

In some jurisdictions, the law does not recognize limitations on the jurisdictional competence of the courts to hear cases and only recognizes statutory limits on remedies or elements of claims that the courts may grant.<sup>20</sup>

## CUMULATIVE SUPPLEMENT

### Cases:

A court must have jurisdiction before it has authority to decide a case. [Childers v. Albright](#), 636 S.W.3d 523 (Ky. 2021).

Subject matter jurisdiction is the threshold power of a court to consider and adjudicate particular types of cases and controversies. [North Star Development, LLC v. Montana Public Service Commission](#), 2022 MT 103, 510 P.3d 1232 (Mont. 2022).

A court's subject-matter jurisdiction is determined without regard to the rights of the individual parties involved in a particular case; rather, the focus is on whether the forum itself is competent to hear the controversy. [State v. Harper](#), 160 Ohio St. 3d 480, 2020-Ohio-2913, 159 N.E.3d 248 (2020).

Supreme Court may exercise power of review pursuant to its King's Bench jurisdiction even when no dispute is pending in a lower court of the Commonwealth. [Pa. Const. art. 5, § 2](#); 42 Pa. Cons. Stat. Ann. § 502. [In re November 3, 2020 General Election](#), 240 A.3d 591 (Pa. 2020).

Subject matter jurisdiction refers to a court's lawful authority to adjudicate a legal matter. [Recipient of Final Expunction Order in McNairy County Circuit Court Case No. 3279 v. Rausch](#), 645 S.W.3d 160 (Tenn. 2022).

## [END OF SUPPLEMENT]

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### Footnotes

- 1 

[Pa.—Com. v. Williams](#), 129 A.3d 1199 (Pa. 2015).

[Tex.—Henry v. Cox](#), 483 S.W.3d 119 (Tex. App. Houston 1st Dist. 2015), petition for review filed, (Feb. 5, 2016).

As to the criminal jurisdiction of courts, see [C.J.S., Criminal Law §§ 189 to 222](#).

As to the judicial power and jurisdiction of federal courts, see [C.J.S., Federal Courts §§ 1 to 166](#).
- 2 

[Ariz.—Z.L. v. State](#), 2015 Ark. 484, 478 S.W.3d 207 (2015).

[Colo.—People In Interest of P.K.](#), 2015 COA 121, 2015 WL 5042712 (Colo. App. 2015), cert. granted, (Feb. 16, 2016).

[Ind.—Blue Chip Casino, LLC v. LaPorte County Treasurer](#), 27 N.E.3d 1198 (Ind. Tax Ct. 2015), review denied, 39 N.E.3d 380 (Ind. 2015).

- Mont.—Harrington v. Energy West Inc., 2015 MT 233, 380 Mont. 298, 356 P.3d 441 (2015).
- Pa.—Com. v. Williams, 129 A.3d 1199 (Pa. 2015).
- Tenn.—In re Baby, 447 S.W.3d 807 (Tenn. 2014).
- 3 Ky.—Liquor World of Corbin, LLC v. Commonwealth Department of Alcoholic Beverage Control, 458 S.W.3d 814 (Ky. Ct. App. 2014).
- 4 Ind.—Grandville Co-op., Inc. v. O'Connor, 25 N.E.3d 833 (Ind. Tax Ct. 2015).
- Md.—Barber v. Catholic Health Initiatives, Inc., 180 Md. App. 409, 951 A.2d 857 (2008).
- Neb.—State v. Planck, 289 Neb. 510, 856 N.W.2d 112 (2014).
- Pa.—Estate of Gentry v. Diamond Rock Hill Realty, LLC, 2015 PA Super 40, 111 A.3d 194 (2015).
- Wyo.—Crofts v. State ex rel. Dept. of Game and Fish, 2016 WY 4, 367 P.3d 619 (Wyo. 2016).
- 5 Ind.—Blue Chip Casino, LLC v. LaPorte County Treasurer, 27 N.E.3d 1198 (Ind. Tax Ct. 2015), review denied, 39 N.E.3d 380 (Ind. 2015).
- Pa.—In re Bruno, 627 Pa. 505, 101 A.3d 635 (2014).
- 6 Mont.—Stewart v. Evans, 2006 MT 102, 332 Mont. 148, 136 P.3d 524 (2006).
- 7 Ark.—Griffis v. Hobbs, 2015 Ark. 121, 458 S.W.3d 703 (2015).
- Ky.—Liquor World of Corbin, LLC v. Commonwealth Department of Alcoholic Beverage Control, 458 S.W.3d 814 (Ky. Ct. App. 2014).
- Ohio—Bank of Am., N.A. v. Kuchta, 141 Ohio St. 3d 75, 2014-Ohio-4275, 21 N.E.3d 1040 (2014).
- Pa.—Estate of Gentry v. Diamond Rock Hill Realty, LLC, 2015 PA Super 40, 111 A.3d 194 (2015).
- 8 Ky.—Liquor World of Corbin, LLC v. Commonwealth Department of Alcoholic Beverage Control, 458 S.W.3d 814 (Ky. Ct. App. 2014).
- Me.—Laprel v. Going, 2014 ME 84, 96 A.3d 67 (Me. 2014).
- Neb.—State v. Planck, 289 Neb. 510, 856 N.W.2d 112 (2014).
- Pa.—Estate of Gentry v. Diamond Rock Hill Realty, LLC, 2015 PA Super 40, 111 A.3d 194 (2015).
- Tex.—Riggins v. Hill, 461 S.W.3d 577 (Tex. App. Houston 14th Dist. 2015), reh'g overruled, (Feb. 24, 2015) and review denied, (Aug. 14, 2015).
- Wyo.—Crofts v. State ex rel. Dept. of Game and Fish, 2016 WY 4, 367 P.3d 619 (Wyo. 2016).
- 9 Colo.—Tulips Investments, LLC v. State ex rel. Suthers, 2015 CO 1, 340 P.3d 1126 (Colo. 2015).
- Mo.—Iowa Steel & Wire Co., Inc. v. Sheffield Steel Corp., 227 S.W.3d 549 (Mo. Ct. App. W.D. 2007).
- Pa.—In re Bruno, 627 Pa. 505, 101 A.3d 635 (2014).
- S.C.—Katzburg v. Katzburg, 410 S.C. 184, 764 S.E.2d 3 (Ct. App. 2014).

10	Pa.—James J. Gory Mechanical Contracting, Inc. v. Philadelphia Housing Authority, 579 Pa. 26, 855 A.2d 669 (2004).
11	§§ 18 to 36.
12	§§ 44 to 64.
13	§ 37.
14	§ 14.
15	Colo.—People In Interest of P.K., 2015 COA 121, 2015 WL 5042712 (Colo. App. 2015), cert. granted, (Feb. 16, 2016).  Pa.—Estate of Gentry v. Diamond Rock Hill Realty, LLC, 2015 PA Super 40, 111 A.3d 194 (2015).
16	Mo.—Iowa Steel & Wire Co., Inc. v. Sheffield Steel Corp., 227 S.W.3d 549 (Mo. Ct. App. W.D. 2007).
17	§ 104.
18	§ 102.
19	§§ 6, 7.
20	Mo.—Nestle v. Johns, 452 S.W.3d 753 (Mo. Ct. App. E.D. 2015).